

Docket: 2024728-7034432001  
(03-226)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Robert Rioux, et al

**Serial No.:** 10/766,608

**Filed:** January 27, 2004

**For: SYSTEMS AND METHODS FOR  
TREATING BREAST TISSUE**

**Group Art Unit: Not-Yet-Assigned**

**Examiner:** Not-Yet-Assigned

## SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
Alexandria, VA 22313-1450

Sir:

In accordance with 37 CFR § 1.97 and 1.98, the items identified in this Information Disclosure Statement (“IDS”) are brought to the attention of the Office. Copies of US Patents and US Patent Publications are not enclosed, pursuant to the US Patent & Trademark Office waiver of this requirement under 37 CFR § 1.98 (a)(2)(i) for patent applications filed after June 30, 2003. Copies of other cited references are enclosed.

The items identified in this IDS may or may not be “material” pursuant to 37 CFR § 1.56. The submission thereof by Applicant is not to be construed as an admission that any such patent, publication or other information referred to therein is material or considered to be material (37 CFR § 1.97(h)), or even qualifies as “prior art” under 35 USC § 102 with respect to this invention unless specifically designated by Applicant as such.

## CERTIFICATE OF MAILING

(37 C.F.R. §1.8)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposit with the Unites States Postal Services on the date shown below with sufficient postage as "First Class Mail" to addressee in an envelope addressed to the Commissioner for Patents, Alexandria, VA 22313-1450

February 13, 2004

Date of deposit

PA:52128021.1/2024728-7034432001

Maritza D. Kidd

Name of Person transmitting Paper

Signature of Person depositing Paper

2/11/04 9:09 AM

**INFORMATION DISCLOSURE STATEMENT FILING PROVISION:**

☒ This IDS is believed to be timely in that it is being submitted under 37 CFR § 1.97(b), that is (1) within three months of the filing date of the application, which is not a continued prosecution application filed under § 1.53(d) or (2) within three months of entry of the national stage as set forth in 37 CFR § 1.491; or (3) before the mailing of a first Office action on the merits; or (4) before the mailing of a first Office action after filing a request for continued examination under § 1.114. Thus, no fee is required.

☐ However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and charge the fee due under 37 CFR § 1.17(p) to the deposit account referenced below.

☐ However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and a statement under 37 CFR § 1.97(e) is included below, thus no fee is required.

☐ This IDS is being submitted under 37 CFR § 1.97(c), that is after mailing of a first Office action on the merits, but before a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311.

☐ The fee due under 37 CFR § 1.17(p) is submitted herewith.

☐ A statement under 37 CFR § 1.97(e) is included below, thus no fee is required. In the event that this IDS is not received before a Final Action or a Notice of Allowance, then Applicant respectfully requests that the Office consider the filing of these papers to be submitted under 37 CFR § 1.97(d) and charge the fee due under 37 CFR § 1.17(p) to the deposit account below.

☐ This IDS is being submitted under 37 CFR § 1.97(d), that is after a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311, but before payment of the issue fee. A statement under 37 CFR § 1.97(e) is included below. The fee due under 37 CFR § 1.17(p) is submitted herewith.

**STATEMENT UNDER 37 CFR § 1.97(e):**

☐ Each item contained in this IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS.


☐ No item contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this statement after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this IDS.

**PAYMENT AND/OR AUTHORIZATION TO CHARGE FEES:**

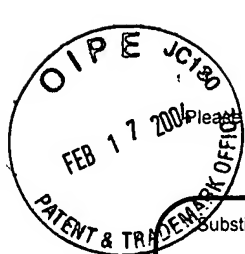
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- ☐ Please charge \_\_\_\_\_ to Deposit Account No. **50-2518** for the above fee(s).
- ☐ Although applicant believes no fee is required, the Commissioner is authorized to charge any fees required by the filing of these papers, and to credit any overpayment to Bingham McCutchen's Deposit Account No. **50-2518**.

Respectfully submitted,  
BINGHAM McCUTCHEN LLP

Dated: 2/13/04

By:   
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# SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 1

## Complete if Known

Application Number	10/766,608
Filing Date	January 27, 2004
First Named Inventor	Robert F. Rioux, et al
Group Art Unit	Not-Yet-Assigned
Examiner Name	Not-Yet-Assigned
Attorney Docket Number	28-7034432001 (03-226)

## OTHER DOCUMENTS -- NON PATENT LITERATURE

Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	1.	BERNA JD, et al "Percutaneous catheter drainage of breast abscesses" European Journal of Radiology, February 21, 1996; 21 (3):217-19	
	2.	BERNA JD, et al "An alternative approach to the treatment of mammary duct fistulas: A combination of microwave and ultrasound" The American Surgeon October 2002; 68 (10): 897-9	
	3.	BERNA, JD, et al "Percutaneous endoscopy of an intracystic papilloma of the breast" The Breast Journal, September-October 2002; 8 (5): 314-6	
	4.	BERNA, JD, et al "Microdocheotomy: the precise identification of the suspicious duct" BR. J. Surg, November 1990; 77 (11); 1217-8	
	5.	BERNA, JD, et al "A new apparatus for the localization of nonpalpable mammary lesions" European Journal of Radiology, May-June 1991; 12 (3): 187-90	
	6.	BERNA, JD, et al "Ductoscopy: a new technique for ductal exploration" European Journal of Radiology, March-April 1991; 12 (2): 127-9	
	7.	BERNA, JD, et al "A simple method of galactography" AJR Am J Roentgenol June 1988; 150 (6): 1445	

Examiner  
Signature

Date  
Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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